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SUBJECT: 2007 TIP REPORT INPUT

REF: STATE 202745

¶1. (U) The information below is provided in response to reftel. Post POC for TIP related issues is Susannah Cooper, (Tel.) 216-71-107-306, (Fax) 216-71-107-090. Number of hours spent by rank: 6 hrs FEMC, 50 hrs FS-02.

TUNISIA: THE SOCIAL CONTEXT

¶2. (SBU) Thanks to comprehensive government laws and policies focused on social justice and equality, Tunisia is well prepared to combat the international phenomenon of trafficking in persons. The government is knowledgeable about the international trafficking problem and has undertaken significant legal and practical steps to prevent its emergence in Tunisia and to coordinate with those fighting the problem in neighboring countries. Tunisia's small, homogeneous and educated population helps diminish the likelihood of trafficking and exploitation. There is no evidence of forced labor in Tunisia, and the GOT actively manages and supervises the labor market, including the market for domestic employees.

¶3. (SBU) As a party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, the GOT has focused its efforts on combating transnational trafficking through improved border controls, security and supervision. Tunisia's favorable geographic location has historically proven attractive to illegal migrants, both Tunisians and foreigners, attempting to reach Europe. However, the GOT works hard to combat illegal migration from its borders. GOT statistics show, and foreign diplomatic missions and international organizations confirm, a reduction in illegal migration attempts in 2005-06. While there is no evidence such migrants are trafficking victims, local and international public and private sector entities remain committed to providing assistance to Tunisians and non-Tunisians who may be intending economic migration.

¶4. (SBU) Begin TIP responses:

¶27. OVERVIEW:

¶A. Public and private domestic and international governments and NGOs all reported that there are no evidence of trafficking in persons in Tunisia. While Tunisia's proximity to Europe has made it a traditional departure point for illegal migrants, illegal migration attempts by Tunisians and non-Tunisians are diminishing as the result of strong GOT improvements in border control, legal sanctions and cooperation with Tunisia's Mediterranean neighbors. GOT statistics show that, in the 2005-2006 judicial year, 300

people were arrested for attempting illegal migration by sea and 1,559 for attempted migration by land. This is a significant decrease from the 2004-05 judicial year, in which 672 people were arrested for attempting illegal migration by sea and 2,062 by land, and shows that government efforts to combat illegal migration are having a positive impact.

The GOT is serious about enforcing legislation designed to combat illegal migration and trafficking. GOT officials reported that police and security forces investigate all cases of illegal migration and found no evidence that intending migrants to Europe are trafficking victims. Rather, GOT investigations reveal that these persons are individually attempting to migrate to Europe for economic reasons. Other contacts confirm that there is no evidence of coercion, fraud, or use of force to induce migration and no indication that these migrants are subject to involuntary servitude, peonage, or debt bondage in Tunisia. All contacts reported individuals were seeking to migrate to Europe independently of any organized criminal migration or trafficking network.

As is true in nearly all societies, a very small number of Tunisian children (10 in 2005-06) are victims of sexual exploitation. (NOTE: Government statistics do not indicate how many were victims of commercial sexual exploitation. END NOTE.) Children's rights in Tunisia are strongly protected and severe legal punishments are applied to those convicted of child abuse. Contacts report that some children may choose to engage in prostitution or related commercial sexual activity, while others are exploited by family or friends.

Embassy officers consulted a wide range of sources in 2006 and 2007, including:

- Government officials at the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Women's, Family, Children's and Elderly Affairs, and Ministry of Justice and Human Rights.

- Non-governmental organizations, including the General Union of Tunisian Workers (UGTT) and the Tunisian Association of Democratic Women (ATFD).

- International organizations, including the International Organization for Migration, UNICEF and Caritas International.

- Diplomatic missions in Tunisia.

- Local and international press coverage of illegal migration and trafficking in persons in the Mediterranean region.

Post believes that information from these sources is reliable. All of these contacts reported no cases of human trafficking to, through or from Tunisia.

128. PREVENTION:

1B. The GOT is committed to combating all forms of human trafficking and preventing its emergence in Tunisia. The following government agencies are involved in anti-trafficking efforts: the Ministry of Foreign Affairs, Ministry of Interior, Ministry of Justice and Human Rights, Ministry of Social Affairs, Solidarity and Tunisians Abroad, and Ministry of Employment.

1C. As there is no evidence of trafficking in persons in Tunisia, there have been no specific government anti-trafficking information or education campaigns.

1D. While not specifically anti-trafficking in nature, the GOT has a number of programs designed to protect the rights of women, children and non-Tunisians in the work place. The Ministry of Social Affairs supervises and inspects work places around the country for compliance with Tunisian laws regarding minimum employment age, limitations on working

hours and conditions for women and youth, non-discrimination of female employees, and legal requirements for foreign workers. The GOT has organized public information campaigns about workers' rights to health and social security protection under Tunisian law. These programs are designed to increase health and social security coverage among Tunisian workers, but also are applicable to legal foreign workers. There are also outreach programs that aim to provide legal and gainful employment to at-risk individuals, such as impoverished Tunisians and single mothers. The Ministry of Employment organizes, and the Ministry of Social Affairs actively supervises, the employment of nationals and foreigners in Tunisia to ensure their employment conforms to Tunisian labor laws.

The GOT also conducts child protection awareness campaigns. The General Delegate for Children's Protection was created in 2002, to supervise, coordinate, follow up and assess the activities of child protection delegates. Each of the twenty-four Tunisian states has a child protection delegate who is responsible for investigating reports of child abuse or maltreatment. Education is highly valued in Tunisia, and ninety percent of Tunisian children between the ages of 6 and 16 are enrolled in school.

The Tunisian and Italian governments have implemented a legal immigration program designed to reduce illegal immigration and improve the conditions of Tunisians working in Italy. The GOT hopes to implement similar programs with other European countries in the future. There are also "social attaches" in countries with large Tunisian expatriate populations that inform Tunisian workers abroad of their rights in Tunisia and the country of residence in order to prevent their exploitation overseas. The GOT also has a number of development programs (e.g. the 21/21 and 26/26 Funds) designed to promote domestic employment opportunities in rural and underdeveloped areas in order to reduce the likelihood that Tunisians will seek to illegally immigrate for employment.

1E. Many NGOs and international organizations assisting Tunisians and foreigners report good cooperation with the government. The GOT takes great pride in its social programs, especially those for women, children and the handicapped, and works closely with Tunisian civil society to promote these efforts across Tunisia. There are also several private charities and government-sponsored NGOs that offer assistance to illegal immigrants entering the country every

year. These organizations report that the GOT and the Tunisian populace are hospitable to illegal foreign migrants who do not otherwise violate Tunisian law. There are no reports of abuse, exploitation, and/or neglect from official or private entities.

. According to the GOT and private organizations, there is no evidence that illegal migrants -- Tunisian or non-Tunisian -- are the victims of trafficking. Investigations into illegal migration cases found no evidence that illegal migrants are victims of trafficking. These GOT investigations found that the main reasons for attempting illegal migration were employment opportunities, family reunification, tourism and circumvention of visa policies. The government also notes that there is no evidence of any criminal enterprises, Mafia or gang involvement in these illegal migration attempts. Local NGOs, which have interviewed the non-Tunisian illegal migrants they assist in Tunisia, report none have stated they are victims of trafficking. Most have individually sought illegal migration and have self-financed their activities through work. Those that reach Tunisia with insufficient funds have worked, legally and illegally, in Tunisia, but NGOs report there is no evidence of forced or bonded labor or exploitation. Salaries for the jobs they can obtain (waiters, housekeepers, etc.) are low for Tunisians and non-Tunisians, and there is no evidence of discrimination or exploitation of foreign workers. NGOs have no reports of organized traffickers -

individuals or groups - in Tunisia.

¶G. Domestically, the GOT uses an interagency approach to address issues of trafficking and illegal migration. Regional cooperation to combat illegal migration in the Mediterranean region continues to expand. In November 2006, Tunisia participated in an Africa-EU Summit on Migration and Development in Tripoli, as well as related multilateral conferences and meetings throughout 2006.

¶H. As there is no evidence of trafficking in persons in Tunisia, there is no national plan of action to address trafficking in persons.

¶29. INVESTIGATION AND PROSECUTION: There is no new legislation in 2006 related to trafficking in persons.

¶A. The Tunisian passport law (#6/2004) was amended in 2004 to include punishments for anyone who "guides, arranges, facilitates, assists, acts as an intermediary, or organizes the surreptitious entry or exit, even without remuneration, of an individual to or from Tunisia by land, sea or air." Violators face imprisonment for up to twenty years and a fine of 100,000 Tunisian dinars (approximately US\$ 76,000) if the crime results in death. Traffickers could also be prosecuted under laws prohibiting slavery, bonded labor, and the misuse of boats. Slavery was banned in Tunisia in 1846, and in 1966 Tunisia ratified the 1926 League of Nations Slavery Convention and related UN protocols. Economic, sexual or criminal exploitation, as well as forced labor, prostitution, participation in armed conflict, displacement and any other form of servitude is illegal. The penal code sentences government employees to life imprisonment for document forgery. In order to combat illegal migration by sea, marine laws were amended in 2004 (#3 and #4/2004) to require all boats with motors larger than five horsepower to inform the National Guard of its route and passengers before leaving port, or face a fine of 1,000 Tunisian dinars (approximately US\$ 760). Also see para 29 O, as international agreements have the effect of codified law once ratified.

There were no investigations, prosecutions, convictions or sentences for offenses that were explicitly defined as trafficking in 2005 or 2006. However, GOT statistics show that, in the 2005-2006 judicial year, 300 people were arrested for attempting illegal migration by sea and 1,559 for attempted migration by land. These statistics reveal a significant decrease from the 2004-05 judicial year, in which 672 people were arrested for attempting illegal migration by sea and 2,062 by land. Yet total accusations rose in 2005-06, when 3971 were accused of crimes related to illegal migration (compared to 3902 in 2004-05). While sources indicate illegal migration attempts have decreased as a result of improved enforcement, press reports of illegal migration attempts indicate the GOT is increasingly prosecuting those involved in such attempts. Convictions are usually based on violations of the passport law (#6/2004).

¶B. Sexual exploitation is addressed by the penal code and child protection laws. These laws do not specifically address trafficking, and penalties depend on the degree of exploitation or violation of the law. Government figures report that ten children were victims of sexual exploitation in the 2005-06 judicial year. These statistics do not indicate how many were victims of commercial sexual exploitation.

¶C. The Tunisian labor code is strict and strictly enforced. However, there is limited anecdotal evidence that a small number of domestic employees may be in non-compliance with labor laws, including contracts arranged by illegal work agencies. Although there is no evidence of trafficking, the GOT takes these reports very seriously and has undertaken directed efforts to prevent such violations. In 2005, the 1965 Household Workers Law was amended to raise the age of employment from 14 years to 16 years in order to prevent the exploitation of children as domestic employees. Thus, the final year of compulsory education is now equal to the

minimum age of domestic employment, except in limited circumstances. The involvement of free or paid intermediaries in the employment of domestic workers is banned by the labor code, in order to prevent the exploitation of these workers. The Ministry of Employment operates regional centers in each of Tunisia's 24 governorates, as well as 83 smaller offices to assist job seekers in securing legitimate jobs and contracts. The Ministry of Social Affairs, Solidarity and Tunisians Abroad is responsible for investigating violations of the labor code, including reports of labor abuses, and conducts approximately 30,000 investigations annually.

1D. The penalty for rape with the use of violence and/or threat with a weapon is death, which is also prescribed for rape of a child under the age of ten. For all other rape cases, the penalty is life imprisonment.

1E. Prostitution is illegal under the penal code, which includes punishments for prostitutes, clients and intermediaries, and is strictly enforced. Prostitutes and their clients can be imprisoned from six months to five years and face fines of up to 500 Tunisian dinars (approximately US\$ 385). Intermediaries face imprisonment for up to three years and fines of up to 500 dinars. Enforcement and prosecution of prostitution laws is strict. However, in a small number of Tunisian cities, prostitution is legally organized and supervised by the Ministry of Interior.

1O. Under the Tunisian constitution, international agreements have the effect of codified law once ratified.

-- ILO Convention 182: Ratified January 24, 2000
-- ILO Convention 29 and 105: Ratified November 23, 1962 and December 23, 1958 respectively
-- Optional Protocol on the Rights of the Child (CRC): Ratified November 29, 1991
-- Protocol to Prevent, Suppress and Punish Trafficking: Ratified March 25, 2003

130. PROTECTION AND ASSISTANCE TO VICTIMS:

1C. The GOT conducts investigations into all cases of illegal migration. As none of these investigations have revealed evidence of trafficking, the GOT has not established a formal referral system for trafficking victims.

1G. Currently, the government does not provide any specialized training for government or embassy officials in recognizing trafficking. However, many GOT entities and officials are well aware of international trafficking definitions, challenges and enforcement. The government works closely with foreign governments to combat illegal migration and protect Tunisians abroad. Additionally, government "social attaches" in countries with large Tunisian expatriate populations are responsible for informing Tunisian workers abroad of their rights in Tunisia and the country of residence, in order to combat the possible exploitation of these workers overseas.

GODEC